

Notice of Allowability

Application No.

10/724,649

Examiner

Michael C. Miggins

Applicant(s)

LEACH ET AL.

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/1/2003.
2. ☒ The allowed claim(s) is/are 18-27 and 32-35.
3. ☒ The drawings filed on 12/1/2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 12012003
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 06102004
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Steve Weissburg on 6/10/2004.

The application has been amended as follows:

In the specification:

The amendment to the specification set forth in the preliminary amendment of 12/1/03 on page 3 only has been canceled. The following has been inserted in place thereof:

On page 1 of the specification, before the Background section, the following sentence has been added:

- - This is a divisional of co-pending co-assigned U.S. application, U.S.S.N. 09/576,831, filed on May 23, 2000, now U.S. Patent No. 6,656,563 B1, and claims the benefit of that earlier application. The entire disclosure of that application is hereby incorporated fully herein, by reference. - -

In the abstract:

The abstract set forth in the preliminary amendment of 12/1/03 has been amended as follows:

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In the abstract, at the beginning of line 1, before "hook and loop type" the phrase "A segmented" has been deleted the phrase - - A method for making a segmented - - has been inserted in place thereof.

In the abstract, line 1, after "type fastener" and before "accommodates" the term - - which - - has been inserted.

In the abstract, lines 2-17, the entire text from the phrase "Each segment may be surrounded by a gasket" in line 2 through the term "filling." in line 17 has been deleted.

In the claims:

Claims 28-31 have been deleted.

Claims 18, 21-22 and 32 set forth in the preliminary amendment of 12/1/03 have been amended as follows:

In claim 18, line 3, after "fastener component," and before "said method comprising" the phrase - - said separable fastener component comprising a continuous, integral strip, - - has been inserted.

In claim 18, at the end of line 5, after "fastening segments," the phrase - - each having a length along a length dimension and a width along a width dimension that is perpendicular to said length dimension, arranged adjacent each other along said length dimension, - - has been inserted.

In claim 18, line 11, after "selected from" and before "the group" the phrase - - only one of - - has been inserted.

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In claim 18, lines 11-12, after "consisting of" and before "elements; and" the phrase "hook-type and loop-type" has been deleted and the phrase - - hook and loop fastening - - has been inserted in place thereof.

In claim 18, line 14, after "segments with" and before "flexible neck" the term "a" has been deleted and the phrase - - only one - - has been inserted in place thereof.

In claim 18, line 14, after "flexible neck" and before "is:" the term "that" has been deleted and the phrase - - at approximately a midpoint of each segment width, wherein said flexible neck - - has been inserted in place thereof.

In claim 21, line 3, after "fastener component," and before "said method comprising" the phrase - - said separable fastener component comprising a continuous, integral strip, - - has been inserted.

In claim 21, at the end of line 4, after "fastening segments," the phrase - - each having a length along a length dimension and a width along a width dimension that is perpendicular to said length dimension, arranged adjacent each other along said length dimension, - - has been inserted.

In claim 21, line 10, after "selected from" and before "the group" the phrase - - only one of - - has been inserted.

In claim 21, lines 10-11, after "consisting of" and before "elements;" the phrase "hook-type and loop-type" has been deleted and the phrase - - hook and loop fastening - - has been inserted in place thereof.

In claim 21, line 20, after "mold cavities" and before ", a mold cavity" the phrase

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-- at approximately a midpoint of each segment width -- has been inserted.

In claim 21, line 21, after "to form" and before "flexible neck" the term "a" has been deleted and the phrase -- only one -- has been inserted.

In claim 22, line 3, after "fastener component," and before "said method comprising" the phrase -- said separable fastener component comprising a continuous, integral strip, -- has been inserted.

In claim 22, at the end of line 4, after "fastening segments," the phrase -- each having a length along a length dimension and a width along a width dimension that is perpendicular to said length dimension, arranged adjacent each other along said length dimension, -- has been inserted.

In claim 22, line 10, after "selected from" and before "the group" the phrase -- only one of -- has been inserted.

In claim 22, lines 10-11, after "consisting of" and before "elements;" the phrase "hook-type and loop-type" has been deleted and the phrase -- hook and loop fastening -- has been inserted in place thereof.

In claim 22, line 22, after "mold cavities" and before ", a mold cavity" the phrase -- at approximately a midpoint of each segment width -- has been inserted.

In claim 22, line 23, after "to form" and before "flexible neck" the term "a" has been deleted and the phrase -- only one -- has been inserted.

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In claim 32, line 22, after "selected from" and before "the group" the phrase -- only one of -- has been inserted.

In claim 32, line 23, after "consisting of" the phrase "hook-type and loop-type" has been deleted and the phrase -- hook and loop fastening -- has been inserted in place thereof.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

With regard to instant claims 18, 21-22 and 32, the prior art does not teach a method for forming a separable fastener said separable fastener component comprising a continuous integral strip, said method comprising the steps of forming a plurality of fastening segments, each having a length along a length dimension and a width along a width dimension that is perpendicular to said length dimension, arranged adjacent each other along said length dimension each fastening segment comprising a base member having a fastening face, and carried on said fastening face of said base member, a plurality of fastening elements selected from only one of the group consisting of hook and loop fastening elements and joining each adjacent pair of fastening segments with only one flexible neck at approximately a midpoint of each segment width, wherein the fastening elements are formed by molding.

The closest prior art is Banfield (U.S. Patent No. 5,786,061, cited in applicant's IDS of 12/1/03) and Murasaki (JP 2788564, English translation provided herein).

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Banfield teaches a method of making (column 4, line 48 through column 5, line 30 and column 8, lines 17-44) a fastening segment comprising a base member (column 3, lines 54-65), having a nominal fastening face and a non-fastening face and carried on said fastening face of said base member (abstract), a plurality of fastening elements selected from the group consisting of hook-type and loop-type elements (abstract), wherein the fastening elements are formed by molding (column 4, line 48 through column 5, line 30 and column 8, lines 17-44).

Murasaki teaches a method of making (paragraphs [0016] - [0017] from English translation provided herein) a plurality of fastening segments (see paragraph [0014] of English translation provided herein and Figs 1 and 2) wherein each fastening segment comprises a base member (12 from Figs. 1 and 2) and carried on said fastening face of said base member, a plurality of fastening elements (13 from Figs. 1 and 2) and located between and joining each adjacent pair of fastening segments, a flexible neck (17 from Figs. 1 and 2).

However, neither reference teaches a method for making a fastening element comprising only one neck portion, which is integral, at approximately a midpoint of each segment width (since Muraski teaches at least two neck portions at a point away from the midpoint which are separately connected to adjacent fastening segments).

Applicant's claimed invention is an improvement over the prior art since the neck portion as claimed permits relative twisting of adjacent segments around an axis of elongation totally different from that of Murasaki because the threads of Murasaki are spaced away from the midpoint.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Miggins whose telephone number is (571) 272-1494. The examiner can normally be reached on Monday-Friday, 1:30-10:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pyon Harold can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MCM *hcl*
June 10, 2004

Harold Pyon
HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772 *6/14/04*